

IN THE COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE JURISDICTION
WRIT PETITION NO. 3124 OF 2006

Hutchison Essar Ltd ...Petitioners

VS.

State of Maharashtra and Ors. ...Respondents

Mr.C.U.Singh a/w. Mr.P.B.Anand for the petitioners.

Mr.K.R.Belosay, Off.G.P. for respondent no.1.

Ms.P.A. Purandare for respondent nos.2 to 6.

CORAM: J.N.PATEL, J. And

S.C.DHARMADHIKARI, J.

DATE ; 8TH FEBRUARY, 2007.

P.C :-

1. Heard. The petition can be disposed off at the stage of admission itself. The petitioner has come with a grievance that respondent no.2 and its officers have issued Stop Work notice

No.GN/POD/354(A)/558/2004-2005 dated 22.12.2005 without taking a decision in the matter of application pending before them for seeking permission to erect the structure for the purpose of operating antennas for the petitioner company in order to have a cellular Base Station in the region.

2. The learned Counsel appearing for the BMC submits that in so far as the order directing the demolition of Cellular Base Station of the petitioner's situated on the terrace of the Building Mukund Nagar Satyam Co-operative Housing Society, Mukund Nagar, Dharavi stands demolished. The competent authority of the B.M.C. i.e. the Additional Municipal Commissioner to decide the said application of the petitioner by giving reasoned order after giving them due opportunity of hearing. In respect of applications which are listed in Exhibit G for new permission and applications which are listed in Exhibit K for renewal of permission be also heard and decided in accordance with law. We will highly appreciate if the competent authority of the B.M.C. takes a decision in the matter as

expeditiously as possible within a period of three months and in the mean time they shall not carry out any demolition of structure which are already erected and are listed at Exhibit G and K to the petition. Petition stands disposed off accordingly.

sd/-

(J.N.PATEL, J)

sd/-

(S.C.DHARMADHIKARI, J)